

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 12-5516 FMO (JCGx)	Date	January 30, 2013
Title	<i>Thomas Chitwood v. Target Corporation, et al.</i>		

Present: The Honorable		Jay C. Gandhi, United States Magistrate Judge	
Beatriz Martinez	None		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

**Proceedings: (IN CHAMBERS) ORDER DENYING WITHOUT PREJUDICE  
STIPULATED PROTECTIVE ORDER**

The Court has reviewed and considered the parties' stipulated protective order.  
[See Dkt. Nos. 16-17.]

While the terms to which the parties have stipulated are generally acceptable, the Court cannot adopt the protective order "as is" for the following reasons:

1. Dispute Mechanism. The protective order should be revised to clarify that, in the event of a dispute regarding the designation of confidential information or access to confidential information, (*see* Dkt. No. 17, Article III), the parties shall strictly follow the procedure for seeking judicial intervention for discovery disputes, which is set forth in Local Rule 37.
2. Filing Under Seal. The protective order should be revised to clarify that, if confidential material is included in any papers to be filed in Court, (*see* Dkt. No. 17, Article V), such papers shall be accompanied by an application, pursuant to Local Rule 79-5.1, to file the papers – or the confidential portion thereof – under seal. The application shall be directed to the judge to whom the papers are directed. Pending the ruling on the application, the papers or portions thereof subject to the sealing application shall be lodged under seal.
3. Use in Court Proceedings. The Court is unwilling to include in the protective order any provisions *in advance* relating to presentations at court proceedings or trial. (*See* Dkt. No. 17, ¶ 2.) The parties will need to take up

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that matter with the judicial officer conducting the proceeding at the appropriate time.

4. To expedite resolution of this issue, in any revised stipulated protective order, the parties shall include the following in the caption: “[Discovery Document: Referred to Magistrate Judge Jay C. Gandhi].”

**IT IS SO ORDERED.**

cc: Parties of Record

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Initials of Preparer	bm		